

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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SHAUNNA L. DODD,

Case No. 2:21-cv-01398-GMN-EJY

Petitioner, ORDER

v.

JERRY HOWELL, et al.,

Respondents.

This court granted 28 U.S.C. § 2254 habeas corpus petitioner Shaunna L. Dodd's motion for appointment of counsel and appointed the Federal Public Defender to represent petitioner (ECF No. 10). The Federal Public Defender has filed a Notice of Conflict (ECF No. 12).

IT IS THEREFORE ORDERED that **Jessie Folkestad** is appointed to represent Shaunna L. Dodd in these proceedings. Ms. Folkestad's contact information appears below:

Jessie Folkestad
10120 W. Flamingo Road
Suite 4
Las Vegas, NV 89147
725-800-8327
Jfolkestadesq@gmail.com.

IT IS FURTHER ORDERED that the Federal Public Defender **is released as counsel.**

1 **IT IS FURTHER ORDERED** that Jessie Folkestad, a Criminal Justice Act panel
2 attorney for the United States District Court, District of Nevada, will represent petitioner
3 in all future proceedings in this court relating to this matter (including subsequent
4 actions) and appeals therefrom, pursuant to 18 U.S.C. § 3006A (a)(2)(B), until allowed
5 to withdraw.

6 **IT IS FURTHER ORDERED** that the Clerk **ELECTRONICALLY SERVE** CJA
7 counsel Jessie Folkestad a copy of this order, together with a copy of the petition for
8 writ of habeas corpus (ECF No. 1-1). CJA counsel has **20 days** from the date of entry of
9 this order to file a notice of appearance.

10 **IT IS FURTHER ORDERED** that CJA counsel for petitioner meet with petitioner
11 as soon as reasonably possible to: (a) review the procedures applicable in cases under
12 28 U.S.C. § 2254; (b) discuss and explore with petitioner, as fully as possible, the
13 potential grounds for habeas corpus relief in petitioner's case; and (c) advise petitioner
14 that all possible grounds for habeas corpus relief must be raised at this time and that
15 the failure to do so will likely result in the omitted grounds being barred from future
16 review under the rules regarding abuse of writ.

17 **IT IS FURTHER ORDERED** that counsel for petitioner file an amended petition
18 for writ of habeas corpus within **90 days** of the date of her appearance that includes all
19 known grounds for relief (both exhausted and unexhausted).

20 **IT IS FURTHER ORDERED** that respondents file a response to the petition
21 within **90 days** of service of the petition. Petitioner will then have **45 days** from service
22 of the answer, motion to dismiss, or other response to file a reply or opposition. Any
23 other motions will be subject to the normal briefing schedule under the local rules.

24 Any response to the petition must comport with Habeas Rule 5. Additionally:

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- 26 1. Any procedural defenses raised by respondents in this case must be raised
27 together in a single, consolidated motion to dismiss. In other words, the court
28 does not wish to address any procedural defenses raised herein either in

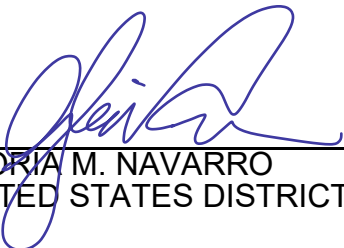
1 seriatum fashion in multiple successive motions to dismiss or embedded in the
2 answer. Procedural defenses omitted from the motion to dismiss will be subject
3 to potential waiver.

- 4 2. Respondents must not file a response in this case that consolidates their
5 procedural defenses, if any, with their response on the merits, except under 28
6 U.S.C. § 2254(b)(2) as to any unexhausted claims clearly lacking merit. If
7 respondents do seek dismissal of unexhausted claims under § 2254(b)(2): (a)
8 they must do so within the single motion to dismiss, not in the answer, and (b)
9 they must specifically direct their argument to the standard for dismissal under §
10 2254(b)(2) set forth in *Cassett v. Stewart*, 406 F.3d 614, 623–24 (9th Cir. 2005).
11 In short, no procedural defenses, including exhaustion, should be included with
12 the merits in an answer. All procedural defenses, including exhaustion, must
13 instead be raised by motion to dismiss.
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15 3. In any answer filed on the merits, respondents must specifically cite to and
16 address the applicable state-court written decision and state-court record
17 materials, if any, regarding each claim within the response as to that claim; and
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19 4. Respondents must file a set of state court exhibits relevant to the response filed
20 to the petition. Those exhibits must be filed chronologically and be accompanied
21 by a separate index of exhibits identifying the exhibits by number. The CM/ECF
22 attachments that are filed must be identified by the number or numbers of the
23 exhibits in the attachment. The purpose of this provision is to allow the court and
24 any reviewing court thereafter to quickly determine from the face of the electronic
25 docket sheet which numbered exhibits are filed in which attachments.
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1 5. Notwithstanding Local Rule LR IC 2-2(g), respondents must send a hard copy of
2 all pleadings and indices of exhibits **ONLY** filed for this case to the Clerk of
3 Court, 400 S. Virginia St., Reno, NV, 89501, directed to the attention of "Staff
4 Attorney" on the outside of the mailing address label.

5 **IT IS FURTHER ORDERED** that petitioner's motion for status (ECF No. 13) is
6 **DENIED** as moot.

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10 DATED: 1 June 2022.

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14 GLORIA M. NAVARRO
15 UNITED STATES DISTRICT JUDGE
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